

# Jurisdiction of Supreme Court

The term jurisdiction of Supreme Court refers to the power granted by the law to the court, judge, or tribunal to resolve any difference between parties by providing a sure-shot decision or imposing an order. The fundamental issue for the court is the power that helps them reach the core of the subject and determines the case's outcome either at the primitive phase or on the evidence.

Any order that was made without the proper legal authority loses its validity and legal effect. Civil courts have three categories of Jurisdiction, which are monetary, geographical, and subject matter.

## Types of Jurisdiction in India

There are various types of jurisdiction in India provided in Indian law, but in the case of the Supreme Court, there are a total of 8 types of jurisdictions in India. These eight types of the jurisdiction of Supreme Court in India are Original Jurisdiction, Writ Jurisdiction, Appellate Jurisdiction, Advisory Jurisdiction, the Court of Record, Power of Judicial Review, Constitutional Interpretation, and Other Powers.

Below in this article, we will learn about all of these powers and jurisdictions of the Supreme Court in detail.

## Original Jurisdiction of Supreme Court

When a case comes before a court for the first time it is said to have the original jurisdiction of the Supreme Court over the topic. In the context of the Supreme Court of India, article 131 governs the court's original jurisdiction. It covers the following incidents:

- Any conflict involving one state or more states and the Government of India.
- Any disagreement in which the Indian Government and one state or more States on the other side have two different perspectives.
- Any conflict among the states of India.
- The constitution of India provides the Supreme Court to take concerns of matters including fundamental rights under article 32.
- The Supreme Court of India also has the authority to issue various types of writs like Mandamus, Habeas Corpus, etc., and orders.
- The Supreme Court has got the right reserved to transfer a criminal or civil case from one high court to another of two different states.
- Additionally, it has the capacity to transfer cases from one state High Court to another.
- As part of the original jurisdiction of Supreme Court, it can also take action on the common cases that are found pending in the Supreme Court of India and similar issues pending in other high courts of India. In such a case, the Supreme Court can withdraw the power of taking action on such cases from high courts and can solve this matter solely on its own.
- The Supreme Court of India can also request international commercial arbitration under the arbitration and conciliation act 1996.

## Writ Jurisdiction of Supreme Court

The Supreme Court of India is also provided with the Writ Jurisdiction. In simple terms written behind as a legal letter issued by Court to a person or organization for doing or not doing anything.

- In order to safeguard the fundamental rights of Indian citizens, the supreme court is authorized to issue the writs, including quo warranto, prohibition, habeas corpus, and mandamus.
- The Supreme Court has original jurisdiction in this regard, which enables a party that feels miss treated to bring a case there without first going through the appeals procedure.
- But the point to be noted is that the writ jurisdiction of the Supreme Court of India is not absolute in nature. This means in order to enforce the protection of fundamental rights, the writs can be issued by the high courts as well.
- Another important point with regard to the former statement is that the writ jurisdiction for both Supreme Court and the high court are different from each other.
- The provision of enforcing writs by the Supreme Court is only for safeguarding the fundamental rights of human beings and not for other reasons.
- On the contrary, the High Court has the authority to issue writs for a number of purposes, including the protection of fundamental rights.
- This means that the high courts of States have a wider range of writ jurisdiction as compared to that of the Supreme Court of India.
- However, in exceptional cases, the Supreme Court jurisdiction can issue the rates for other purposes only if it is instructed by the Parliament of India.

## Appellate Jurisdiction of Supreme Court

Another jurisdiction of the Supreme Court is Appellate Jurisdiction. Under this, a person can approach the court to revert the decision made by other lower courts if he finds it to be unjust to them.

- This concept is not absolute for the supreme court as any Higher Court can be approached and appealed to revert the decision taken by a Lower court in a case if the complainant is not satisfied with the decision taken by a Lower court in a particular case.
- In constitutional disputes, an appeal against the High Court judgment can be filed to the supreme court if the High Court acknowledges that the case presents a significant legal question that requires constitutional interpretation.
- All the basis of the certificate, the opposing party may file an appeal with the supreme court that the issue was improperly determined.
- Any verdict given by any Court or body in the nation may be appealed with special permission at the discretion of the Supreme Court.

## Advisory Jurisdiction of Supreme Court

According to article 143 of the constitution of India, the president may consider the judgment made by the supreme court under 2 different categories of issues-

1. Any legal issue or important public truth that has come up or that is likely to come up.
2. On any controversy arising out of a pre-constitutional agreement, treaty, commitment, partnership, or other promissory notes.

In the first instance, it is the complete freedom of the Supreme Court whether it wants or doesn't want to provide its point of view to the president, but in the second situation, the president can demand the jurisdiction of supreme court about its decision in a case.

The decision taken by the Supreme Court jurisdiction in both instances is just advisory and not binding in nature. Therefore, the president is free to consider this advice.

## A Court of Record of the Supreme Court

An appellate Court or a trial court that keeps a record of all the proceedings for potential appeal is called a court of record. Oral proceedings are recorded by a court reporter or Court clerk.

- All of the Supreme Court's actions, rulings, and sessions are documented for evidence and future use. These documents are considered to have evidence value when they are produced in court, cannot be contested, and are used as precedents and legal references.
- It has the power to punish judicial contempt. It further asserted that it has the power to impose sanctions for contempt not only on itself but also on all High Courts, lower courts, and tribunals across the nation.
- There are two types of court contempt: civil and criminal.

Civil contempt is the willful disobedience of a court's decision, judgment, writ, or other proceedings or the willful violation of an obligation given to a court.

## Power of Judicial Review of Supreme Court

Judicial review grants the court the authority to observe and scrutinize the activities of the legislative, executive and administrative branches of the government in order to determine whether or not they are constitutionally appropriate. The supreme court and high court are both courts that have the authority to conduct judicial reviews.

- The Supreme Court has the authority to conduct a judicial review, which allows it to evaluate the legality of presidential decisions as well as national and state legislative activities.
- If it is established that they violate the Constitution, the Jurisdiction of Supreme Court may declare them to be unlawful, illegal, and invalid. The Government is, therefore, unable to implement them.

## Constitutional Interpretation of Supreme Court

The final decision on how to interpret the constitution is the supreme court. In matters of constitutional interpretation, the jurisdiction of Supreme Court is the last arbitrator. It has the authority to provide final approval to the language used in the constitution as well as its spirit and content.

## Jurisdiction of Supreme Court: Other Powers

Apart from all the jurisdiction of Supreme Court provided by the constitution of India, there are various other powers as well.

- It settles disputes about who should be elected as a President and Vice President. It holds the first ultimate and sole power in this regard.
- It looks into the actions and conduct of the members of UPSC if the president requests to do so.

- The Supreme Court has the power to ask the President to fire them if it finds them to be acting improperly, and in this case, the President of India is compelled to accept the recommendations put on by the Supreme Court.
- It has the power to review a judgment or an order that it has made. It is not constrained by its prior judgment and is free to depart from it when doing so will advance justice or the benefit of society.
- The supreme court is a self-correcting Organisation in itself to put briefly before society.

